

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST ENVIRONMENTAL
ADVOCATES,

Plaintiff,

v.

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY,

Defendant.

CASE NO. C20-1362 MJP

ORDER DENYING JOINT MOTION
FOR BRIEFING SCHEDULE

This matter comes before the Court on the Parties' Joint Motion for Order Establishing a Summary Judgment Briefing Schedule. (Dkt. No. 48.) The Court has reviewed the Motion and all supporting materials and DENIES it without prejudice.

The parties propose a staggered cross-motion briefing schedule where Plaintiff would file its summary judgment motion and then Defendant would later file its summary judgment and response. The parties propose to file replies, with Defendant's reply due by October 8, 2021, five weeks before trial on November 15, 2021. The parties' proposal would not give the Court

1 sufficient time to consider and rule on the issues presented in the dueling motions for summary
2 judgment and allow the parties to be prepared for trial and meet the other pretrial deadlines. The
3 Court requires at least two months before trial to consider the summary judgment motions
4 proposed by the parties. Because the parties' proposal does not allow sufficient time, the Court
5 DENIES the Motion without prejudice.

6 The parties are ORDERED to meet and confer to discuss a briefing schedule which
7 provides sufficient time before trial to file cross-motions for summary judgment. Consistent with
8 Local Rule 7(k), the Court requests the parties consider and discuss proposing a briefing
9 schedule wherein each party files its motion at the same time and the parties then file responses
10 at the same time, foregoing replies. This will allow for an abbreviated time frame and focus the
11 issues for the Court, and the Court would indulge up to 60 total pages for the briefing (motion
12 and response). Within seven days of entry of this Order the parties are ORDERED to meet and
13 confer and file a new motion for entry of a briefing schedule consistent with this Order.

14 The clerk is ordered to provide copies of this order to all counsel.

15 Dated July 19, 2021.

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17 Marsha J. Pechman
18 United States Senior District Judge
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